

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1001(ss) be amended to read as follows:

1           Replace the effective dates in SECTIONS 73 through 83 with  
2           "[EFFECTIVE MARCH 1, 2010]".

3           Replace the effective date in SECTION 393 with "[EFFECTIVE  
4   MARCH 1, 2010]".

5 Page 19, between lines 17 and 18, begin a new line and insert:

6       **"The above appropriation includes state HAVA matching**  
7       **funds.".**

8 Page 80, line 34, delete "\$1,000" and insert "\$400".

9 Page 82, between lines 43 and 44, begin a new line and insert:

10 "PUBLIC TELEVISION DISTRIBUTION

11	<b>Total Operating Expense</b>	<b>2,576,000</b>	<b>2,576,000</b>
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12        These appropriations are for grants for public television. The  
13        Indiana Public Broadcasting Stations, Inc., shall submit a  
14        distribution plan for the eight Indiana public education television  
15        stations that shall be approved by the budget agency after review  
16        by the budget committee. Of the above appropriations, \$368,000  
17        each year shall be distributed equally among the eight radio  
18        stations."

19 Page 84, line 37, delete "6,399,400,000" and insert "**6,400,815,650**".

20 Page 84, line 37, delete "6,518,400,000" and insert "**6,524,650,000**".

21 Page 91, delete lines 24 through 32.

Page 104, line 1, delete "in accordance with the school funding  
formula in effect at the time of the" and insert ". **Any funds  
distributed under this SECTION shall be used to increase the  
foundation amount for each school corporation eligible for a  
tuition support distribution.**".

27 Page 104, line 2, delete "distribution."

28 Page 106, between lines 24 and 25, begin a new paragraph and  
29 insert:

30 "SECTION 45. IC 3-11-18-1.5 IS ADDED TO THE INDIANA  
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2009]: **Sec. 1.5. (a) This section applies to a county in which the President of the United States has, after December 31, 2007, declared, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), that a major disaster has occurred.**

**(b) If a county election board, by the unanimous vote of the entire board's membership, determines that the county's voting systems are unusable as the result of the major disaster described in subsection (a), the board shall file with the election division:**

- (1) a statement certifying the board's determination; and**
- (2) an order adopting a plan under this chapter to administer the county's elections using vote centers.**

**(c) The plan adopted under this section takes effect when the documents listed in subsection (b) are filed with the election division."**

Page 114, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 53. IC 4-20.5-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11. (a) Except as provided in subsection (b), "property" means real property or an interest in real property, including the following:**

- (1) Any ownership interest in real property.**
- (2) A leasehold.**
- (3) A right-of-way.**
- (4) An easement, including a utility easement.**

The term does not include personal property or an interest in personal property.

**(b) For purposes of IC 4-20.5-22, "property" means any ownership interest in real property.**

SECTION 54. IC 4-20.5-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

## **Chapter 22. Planting Grasses and Other Plants for Energy Production**

**Sec. 1. This chapter does not apply to a lease under IC 8-23-24.5.**

**Sec. 2. The intent of this chapter is to encourage the use of property owned by the state to promote the growth and harvesting of vegetation to be used as fuels and other energy products.**

**Sec. 3. As used in this chapter, "agency " has the meaning set forth in IC 4-20.5-1-3. The term includes a state institution.**

**Sec. 4. As used in this chapter, "vegetation" refers to grasses or other plants that are suitable for processing into fuels or other energy products. The term does not include grasses or other plants that may be used to feed livestock.**

**Sec. 5. To the extent permitted by federal law and when consistent with public safety, an agency may enter into leases with appropriate persons for the persons to plant, maintain, and harvest vegetation on state property owned or maintained by the agency**

1 for use in production of energy.

2 **Sec. 6. A lease under this chapter must provide for the**  
3 **following:**

4 (1) The lessee is responsible for planting, maintaining, and  
5 harvesting the vegetation at the lessee's cost.

6 (2) The lessee becomes the owner of the vegetation when  
7 harvested.

8 (3) The harvested vegetation must be used for the production  
9 of fuels or other energy products.

10 (4) The lease must include limitations on the height of any  
11 vegetation that is grown.

12 **Sec. 7. A lease under this chapter may provide for the following:**

13 (1) Any term of the lease that the agency considers best to  
14 implement the intent of this chapter, but not for more than  
15 four (4) years.

16 (2) For the lease of parcels of sizes that the agency considers  
17 the best to implement the intent of this chapter.

18 (3) Any other provisions that the agency considers useful to  
19 implement the intent of this chapter.

20 **Sec. 8. The agency shall award a lease under this chapter to the**  
21 **responsive and responsible bidder who submits the highest bid for**  
22 **the particular lease."**

23 Page 118, line 48, after "policy)" delete "." and insert "**if coverage**  
24 **was provided for these employees under the prior policies."**

25 Page 121, between lines 11 and 12, begin a new paragraph and  
26 insert:

27 "SECTION 63. IC 5-22-21-1 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter  
29 applies only to personal property owned by a governmental body that  
30 is a state agency.

31 (b) This chapter does not apply to the following:

32 (1) The sale of timber by the department of natural resources  
33 under IC 14-23-4.

34 (2) The satisfaction of a lien or judgment by a state agency under  
35 court proceedings.

36 (3) The disposition of unclaimed property under IC 32-34-1.

37 (4) **The sale or harvesting of vegetation (as defined in**  
38 **IC 8-23-24.5-3) under IC 8-23-24.5.**

39 (5) **The sale or harvesting of vegetation (as defined in**  
40 **IC 4-20.5-22-4) under IC 4-20.5-22."**

41 Page 188, line 23, after "(a)" insert "**(b) or**".

42 Page 278, between lines 5 and 6, begin a new paragraph and insert:

43 "SECTION 244. IC 8-23-9-4.5 IS AMENDED TO READ AS  
44 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) As used in this  
45 section, "qualified work release program" refers to:

46 (1) a work release program that is established by the department  
47 of correction under IC 11-10-8 or IC 11-10-10; or

(2) a county work release program under IC 11-12-5.

(b) Notwithstanding IC 8-23-10, **but subject to IC 8-23-24.5**, the commissioner may contract with a qualified work release program for the maintenance of a highway right-of-way without taking competitive bids. As used in this subsection, "highway right-of-way" includes only the grass plats.

SECTION 245. IC 8-23-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. When consistent with public safety **and subject to IC 8-23-24.5**, the department shall plant trees along the rights-of-way of highways, streets, and roads for which responsibility is assigned to the department.

SECTION 246. IC 8-23-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

**Chapter 24.5. Planting Grasses and Other Plants for Energy Production**

**Sec. 1. The intent of this chapter is to encourage the use of highway rights-of-way owned by the state to promote the growth and harvesting of vegetation to be used as fuels and other energy products.**

**Sec. 2. As used in this chapter, "highway rights-of-way" refer to highway rights-of-way for which responsibility is assigned to the department.**

**Sec. 3. As used in this chapter, "vegetation" refers to grasses or other plants that are suitable for processing into fuels or other energy products. The term does not include grasses or other plants that may be used to feed livestock.**

**Sec. 4. To the extent permitted by federal law and when consistent with public safety, the department may enter into leases with appropriate persons for the persons to plant, maintain, and harvest vegetation on the highway rights-of-way for use in production of energy.**

**Sec. 5. A lease under this chapter must provide for the following:**

**(1) The lessee is responsible for planting, maintaining, and harvesting the vegetation at the lessee's cost.**

**(2) The lessee becomes the owner of the vegetation when harvested.**

**(3) The harvested vegetation must be used for the production of fuels or other energy products.**

**(4) The lease must include limitations on the height of any vegetation that is grown.**

**Sec. 6. A lease under this chapter may provide for the following:**

**(1) Any term of the lease that the department considers best to implement the intent of this chapter, but not for more than four (4) years.**

**(2) For the lease of parcels of sizes that the department**

1 considers the best to implement the intent of this chapter.

2 (3) Any other provisions that the department considers useful  
3 to implement the intent of this chapter.

4 Sec. 7. The department shall award a lease under this chapter  
5 to the responsive and responsible bidder who submits the highest  
6 bid for the particular lease.

7 Sec. 8. To the extent permitted by federal law, the department  
8 shall make the use of highway rights-of-way as provided in this  
9 chapter a priority over all other uses."

10 Page 284, delete lines 25 through 41.

11 Page 290, line 3, delete "In the first year of the pilot program, the  
12 department shall operate".

13 Page 290, line 4, delete "the virtual charter school. Beginning with  
14 the second year of the pilot program, the" and insert "**The**".

15 Page 295, line 32, delete "six million two hundred thousand" and  
16 insert "**nine million**".

17 Page 295, line 32, delete "(\$6,506,200,000)" and insert  
18 "**(\$6,509,000,000)**".

19 Page 295, line 34, delete "thirty million seven" and insert "**forty**  
20 **million three**".

21 Page 295, line 34, delete "(\$6,530,700,000)" and insert  
22 "**(\$6,540,300,000)**".

23 Page 302, delete lines 31 through 48.

24 Page 303, delete lines 1 through 4.

25 Page 303, line 18, delete "seventy-two dollars (\$72)" and insert  
26 "**twenty-five dollars (\$25)**".

27 Page 303, line 18, delete "one hundred twenty-two dollars (\$122)"  
28 and insert "**seventy-five dollars (\$75)**".

29 Page 303, between lines 22 and 23, begin a new line block indented  
30 and insert:

31 "**STEP FIVE: Determine the sum of:**

32 (A) the STEP TWO amount divided by the school  
33 corporation's 2009 ADM; minus

34 (B) twenty-five dollars (\$25) for 2010 and seventy-five  
35 dollars (\$75) for 2011.

36 **STEP SIX: Determine the result of:**

37 (A) the school corporation's STEP FIVE amount;  
38 multiplied by

39 (B) the school corporation's ADM for the current year."

40 Page 303, line 23, delete "FIVE" and insert "**SEVEN**".

41 Page 303, between lines 25 and 26, begin a new line block indented  
42 and insert:

43 "**STEP EIGHT: Determine the greater of:**

44 (A) the STEP SEVEN amount; or

45 (B) the STEP SIX AMOUNT."

46 Page 303, line 26, delete "SIX:" and insert "**NINE:**".

47 Page 303, line 27, delete "FIVE" and insert "**EIGHT**".

- 1       Page 312, line 31, after "institution" insert **"other than Ivy Tech**
- 2 **Community College"**.
- 3       Page 312, line 34, after "savings" insert **"realized by Purdue**
- 4 **University and Indiana University"**.
- 5       Page 312, line 36, after "Alliance." insert **"The amount of bonds**
- 6 **outstanding for Ivy Tech Community College at any time for**
- 7 **qualified energy savings projects, other than refunding bonds and**
- 8 **exclusive of costs described in sections 3 and 4 of this chapter, may**
- 9 **not exceed forty-five million dollars (\$45,000,000). Bonds issued**
- 10 **under this section are not eligible for fee replacement."**
- 11       Page 367, line 39, after "governor." insert **"The members**
- 12 **appointed by the president pro tempore of the senate and the**
- 13 **speaker of the house of representatives may not be elected officials**
- 14 **and must have financial or accounting experience or education."**
- 15       Page 378, line 13, reset in roman "2003,".
- 16       Page 378, line 13, delete "2009,".
- 17       Page 379, line 12, reset in roman "2003.".
- 18       Page 379, line 18, delete "2009.".
- 19       Page 379, line 47, reset in roman "July 1, 2003,".
- 20       Page 379, line 47, delete "August 1, 2009,".
- 21       Page 380, line 7, reset in roman "July 1, 2003.".
- 22       Page 380, line 7, delete "August 1, 2009.".
- 23       Page 382, delete line 27.
- 24       Page 382, line 28, delete "(1)" and insert **"(5)"**.
- 25       Page 382, line 29, delete "(2)" and insert **"(6)"**.
- 26       Page 382, line 30, delete "(3)" and insert **"(7)"**.
- 27       Page 382, line 30, delete "commerce, energy, technology, and
- 28 utilities." and insert **"public policy."**
- 29       Page 382, line 31, delete "(4)" and insert **"(8)"**.
- 30       Page 382, line 31, delete "commerce, energy," and insert **"public**
- 31 **policy."**
- 32       Page 382, delete line 32.
- 33       Page 382, line 33, delete "(5) Two (2)", begin a new line blocked
- 34 left and insert:
- 35 **"In addition, the committee shall include two (2) nonvoting**
- 36 **members who are"**.

- 1       Page 382, line 35, after "senate." insert "**The nonvoting members**
- 2       **must have experience or training in financial matters.**".
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to EHB 1001(ss) as printed June 19, 2009.)

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Senator KENLEY